



20 DEC 2006

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In re Application of :  
KUMAR et al. :  
Application No.: 10/549,890 :  
PCT No.: PCT/IB2004/003789 : DECISION  
Int. Filing Date: 19 November 2004 :  
Priority Date: 17 March 2004 :  
Attorney's Docket No.: RLL-509US :  
For: A PROCESS FOR THE PRODUCTION OF :  
ATORVASTATIN CALCIUM IN AMORPHOUS FORM :

This decision is in response to the "PETITION PURSUANT TO 37 C.F.R. § 1.181" filed 13 October 2006.

### **BACKGROUND**

On 25 September 2006, the United States Designated/Elected Office (DO/EO/US) mailed to the address indicated above a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 13 October 2006, the instant "PETITION PURSUANT TO 37 C.F.R. § 1.181" requesting that certain bibliographic information be changed to reflect the accompanying date-stamped postcard receipt was submitted.

### **DISCUSSION**

Upon review of the petition submitted 13 October 2006 and the application file, it was found that the address indicated above is the incorrect address. Accordingly, the NOTIFICATION OF MISSING REQUIREMENTS mailed 25 September 2006 is hereby VACATED. Applicants should disregard that NOTIFICATION.

As to the application number on the postcard submitted with the 13 October 2006 petition, it is the number which is incorrect rather than the attorney docket number, international application number, and international filing date. ("The application number identified on such a postcard receipt is merely the preliminary assignment of an application number to the application, and should not be relied upon (e.g., with respect to foreign filings) as necessarily representing such application." MPEP § 503.)

**The correct application number for the attorney docket number, international application number, and international filing date specified in the petition filed 13 October 2006 is 10/549,899. Applicants should use application number 10/549,899 in all future communications with the Patent and Trademark Office in regards to the U.S. national stage of international application PCT/US2004/001192.**

**CONCLUSION**

For the reasons set forth above, applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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